

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

JAVIER SOLIS

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Case No. 4:12cr151
(Judge Crone)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 22, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Tracey Batson.

On March 18, 2003, Defendant was sentenced by the Honorable A. Joe Fish to fifty-four (54) months' custody followed by five (5) years of supervised release for the offense of Using, Carrying, and Possessing a Firearm During and in Relation to a Drug Trafficking Crime. The term of supervised release was revoked on September 30, 2008, and Defendant was sentenced to time served and fifty-four (54) months of supervised release. On September 30, 2008, Defendant completed his period of imprisonment and began service of his supervised term. On July 2, 2012, this case was transferred to this district.

On July 23, 2012, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory conditions: (1) the defendant shall not commit another federal, state, or local crime; and (2) the defendant shall not illegally possess a controlled substance.

The petition alleges that Defendant committed the following acts: On October 26, 2011,

Defendant was arrested by the DEA in Dallas, Texas, for the offense of Conspiracy to Distribute and Possess with Intent to Distribute Heroin. The case was filed in the Eastern District of Texas, Sherman Division, 4:11cr202, and Defendant pleaded guilty on or about June 5, 2012. Defendant was sentenced to seventy (70) months' custody.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirty (30) months with no supervised release to follow. It is also recommended that this sentence should be served consecutively to any sentence of imprisonment the Defendant is currently serving.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 25th day of March, 2013.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE